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2 District of Arizona
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8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE DISTRICT OF ARIZONA

10 United States of America,
11 Plaintiff,
12 vs.
13 Robert Byron Cleere,
14 Defendant.

Case No. CR-18-302-PHX-DGC

**GOVERNMENT'S SENTENCING
RECOMMENDATION**

15 The government has reviewed the Presentence Report and agrees with the
16 guidelines calculations finding that Defendant has a final offense level of 8 and is in
17 criminal history category IV, resulting in an advisory guidelines range of 10 – 16
18 months' imprisonment. The government respectfully requests the court impose a mid-
19 range sentence of 13 months' imprisonment and three years of supervised release.

20 Here, on February 12, 2018, Defendant was stopped by a Pinal County Deputy
21 Sheriff because he was driving with expired license plate tags. Upon contact, the
22 deputy observed two passengers in the car that he believed could be illegal aliens and
23 contacted the U.S. Border Patrol for assistance. The aliens described their illegal
24 journey from Mexico into the U.S., how they were moved from different houses and
25 when they arrived at their final house, Defendant was already present. Defendant
26 drove the two aliens from the house towards Phoenix until they were stopped by the
27 police just outside of Eloy. Defendant was on pre-trial release for various drug
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1 trafficking offenses in the Superior Court of Arizona, Cochise County, when this
2 offense was committed. (PSR ¶ 51.) This case is pending.

3 After considering the nature of the offense, Defendant's history and
4 characteristics, including his criminal history, a 13 month period of incarceration is
5 sufficient, but not greater than necessary to fulfill the sentencing purposes of 18 U.S.C.
6 § 3553(a).

7 Respectfully submitted this 16th day of July, 2018.

8 ELIZABETH A. STRANGE
9 First Assistant United States Attorney
10 District of Arizona

11 s/ Margaret Perlmeter
12 MARGARET PERLMETER
13 Assistant United States Attorney

14 **CERTIFICATE OF SERVICE**

15 I hereby certify that on July 16, 2018, I electronically transmitted the attached
16 document to the Clerk's Office using the CM/ECF system for filing. I served the attached
17 document using the CM/ECF system on the following, who is a registered participant of the
CM/ECF System: Kaitlin Verdura.

18 s/ N. Thomas
19 U.S. Attorney's Office
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